

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RODERICK DEMMINGS,

Plaintiff,

v.

PACIFIC MARITIME  
ASSOCIATION, et al.,

Defendants.

CASE NO. C11-1864 RAJ

ORDER

This matter comes before the court on plaintiff Roderick Demmings's motion for continuance and briefing schedule. Dkt. # 66. On February 19, 2013, plaintiff filed a motion for partial summary judgment based on disability discrimination under the Americans with Disability Act ("ADA") against defendant ILWU Local 19 only. Dkt. # 49. On March 11, 2013, Defendant ILWU Local 19 filed a response and cross-motion for summary judgment. Dkt. # 52. The court re-noted the cross-motion for summary judgment for April 5, 2013. On March 14, 2013, Defendant Pacific Maritime Association filed its motion for summary judgment, noting it for April 5, 2013. Dkt. # 57. On March 25, 2013, plaintiff filed a partial summary judgment motion against Defendant Pacific Maritime Association for racial and disability discrimination. Dkt. #

65. On March 15, 2013, plaintiff filed a motion for continuance, which the court denied because plaintiff had not provided a specific time frame or specific reasons he needed additional time. Dkt. ## 61, 63.

On March 26, 2013, plaintiff filed another motion for continuance and briefing schedule so that he can receive full and complete answers to two interrogatories that “are vital to Plaintiff’s ability to fully respond to defendants’ motions now pending before the court.” Dkt. # 66 at 2. He requests that the motions be noted for May 24, 2013. *Id.* He also requests an extension of the discovery deadline to April 26, 2013. On April 2, 2013, plaintiff filed a declaration in which he indicates he needs additional time to take the deposition of Mr. Joe Weber and Mr. Donnie Schwendemen. Dkt. # 73 at 3. He requests the court to issue a deposition subpoena for these individuals. Plaintiff must fill out and file a praecipe form requesting that the court issue a deposition subpoena and attach the filled out subpoena. The court refers plaintiff to this District’s website, which includes a pro se guide. <http://www.wawd.uscourts.gov/pro-se>.<sup>1</sup> The court also directs plaintiff to Federal Rule of Civil Procedure 45, which governs subpoena requirements, including the requirements for recording the deposition, service, and witness fees, among other requirements.

With respect to the discovery cut-off, the court GRANTS plaintiff’s request, and extends the discovery cut-off from April 15 to April 26, 2013. With respect to his request for an extension of the briefing schedule, the court construes plaintiff’s request as a Rule 56(d) request for additional time. Fed. R. Civ. Proc. 56(d). While not in strict compliance of Rule 56(d), plaintiff is proceeding *pro se*, and the court believes a one-month extension of the noting date will allow plaintiff sufficient time to respond to defendants’ motions.

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<sup>1</sup> The relevant forms are also available at <http://www.wawd.uscourts.gov/court-forms>.

1 For all the foregoing reasons, the court GRANTS plaintiff's motion in part. The  
2 Clerk is ORDERED to re-note defendant ILWU Local 19's cross-motion for summary  
3 judgment (Dkt. # 52), and defendant Pacific Maritime Association's motion for summary  
4 judgment (Dkt. # 57) to May 10, 2013. Plaintiff's response shall be due no later than  
5 May 6, 2013.

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7 Dated this 8<sup>th</sup> day in April, 2013.

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10 The Honorable Richard A. Jones  
11 United States District Judge  
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